

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LOYALTY CONVERSION SYSTEMS
CORPORATION,

Plaintiff,

v.

AMERICAN AIRLINES, INC., ET AL.

Defendant.

Civil Action No. 2:13-cv-655-JRG
(LEAD CASE)

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
MOTION REQUESTING ATTORNEY'S FEES**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants American Airlines, Inc., Delta Air Lines Inc., Frontier Airlines, Inc., United Airlines, Inc., US Airways, Inc., and Spirit Airlines, Inc. (collectively, "Defendants"), respectfully request a 14-day extension of time, from September 17, 2014 to and including October 1, 2014, for the filing of a motion requesting attorney's fees in this matter. In support of this request, Defendants state as follows:

1. The Plaintiff, Loyalty Conversion Systems Corp. ("Plaintiff"), does not oppose this motion.
2. The Court dismissed these cases with prejudice on September 3, 2014.
3. The Court may award attorneys' fees to Defendants under 35 U.S.C. § 285, if it determines that these cases qualify as "exceptional." *See Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 134 S. Ct. 1749 (2014).

4. A motion for attorney's fees is due 14 days after the Court's entry of judgment. *See* Fed. R. Civ. P. 54(d)(2). This rule controls a motion brought under Section 285. *See IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1384 (Fed. Cir. 2005).

5. A motion for attorney's fees is presently due on September 17, 2014.

6. The Court may extend this deadline upon a showing of "good cause." Fed. R. Civ. P. 6(b); *IPXL Holdings, L.L.C.*, 430 F.3d at 1384.

7. Good cause exists to extend the deadline. Because seven separate defendants are involved in this matter, coordination among the parties requires additional time.

8. Additionally, the parties are presently discussing a possible resolution of their claims that may negate the need for additional judicial resources. This requested extension will provide the parties sufficient time to continue these discussions.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court extend the period of time for filing a motion for attorney's fees, pursuant to both Fed. R. Civ. P. 54(d)(2) and 35 U.S.C. § 285, to and including October 1, 2014.

Dated: September 16, 2014

/s/ Jennifer Parker Ainsworth

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Respectfully submitted,

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(with permission by Jennifer P. Ainsworth)

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a), on this the 16th day of September, 2014.

/s/ Jennifer P. Ainsworth
Jennifer P. Ainsworth

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Defendants has conferred with Plaintiff's counsel concerning this motion and they do not oppose the motion.

/s/ Jennifer P. Ainsworth
Jennifer P. Ainsworth